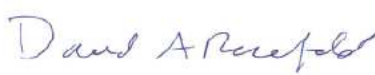


UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		19-CB-303960	9/23/2022
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Longshore & Warehouse Union ("ILWU") International Longshore & Warehouse Union, Local 19 ("Local 19")		b. Union Representative to Contact ILWU: William Adams, President Local 19: Richard Austin, President	
c. Address ILWU: 1188 Franklin Street, 4th Floor, San Francisco CA 94109 Local 19: 3440 E. Marginal Way S, Seattle, WA 98134		d. Tel. No. See Attachment A	e. Cell No. See Attachment A
		f. Fax No. See Attachment A	g. e-Mail See Attachment A
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) and (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Within the last six months, the above-named labor organizations have sought to apply their collective-bargaining agreement to the employees at Terminal 5 and attempted to force the employer to discriminate against the employees represented by the IAM on account of union and/or protected activity and union membership.</p> <p>Within the last six months, the above named labor organization has coerced employees in the exercise of their Section 7 rights.</p>			
3. Name of Employer See Attachment A		4a. Tel. No. See Attachment A	4b. Cell No. See Attachment A
		4c. Fax No. See Attachment A	4d. e-Mail See Attachment A
5. Location of Plant involved (street, city, state, and ZIP code) See Attachment A		6. Employer representative to contact See Attachment A	
7. Type of Establishment (factory, mine, wholesaler) Shipping Terminal	8. Principal product or service Shipping	9. Number of Workers employed 40+	
10. Full name of party filing charge See Attachment A		11a. Tel. No. See Attachment A	11b. Cell No. See Attachment A
		11c. Fax No. See Attachment A	11d e-Mail See Attachment A
11. Address of party filing charge (street, city, state, and ZIP code) See Attachment A			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By:  (signature of representative or person making charge)	David A. Rosenfeld, Attorney Print/type name and title or office, if any	Tel. No. (510) 337-1001	
		Cell No.	
		Fax No. (510) 337-1023	
Address: Weinberg, Roger & Rosenfeld, 1375 55th Street Emeryville, CA 94608-2609		Date: 09/23/2022	e-Mail nlrb@unioncounsel.net

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

ATTACHMENT A

1. International Longshore and Warehouse Union ("ILWU")
Telephone: (415) 775-0533
Fax: (415) 775-1302

Contact:

Emily M. Maglio, Attorney
Leonard Carder LLP
1188 Franklin Street, #201
San Francisco, CA 94109
Telephone: (415) 771-6400
Fax: (415) 771-7010
Email: emaglio@leonardcarder.com

1. International Longshore and Warehouse Union, Local 19 ("Local 19")
Telephone: (206) 623-7461
Fax: (206) 623 8136
Email: ilwulocal19@gmail.com

Contact:

Emily M. Maglio, Attorney
Leonard Carder LLP
1188 Franklin Street, #201
San Francisco, CA 94109
Telephone: (415) 771-6400
Fax: (415) 771-7010
Email: emaglio@leonardcarder.com

- 3-4. Pacific Maritime Association
555 Market Street, Third Floor
San Francisco, CA 94105-5801
Telephone: (415) 576-3200
Fax: (415) 348-8392

Contact:

Jim McKenna
Chief Operating Officer
Pacific Maritime Association
Email: jmckenna@pmanet.org

SSA Marine
1131 SW Klickitat Way
Seattle, WA 98134
Telephone: (206) 623-0304
Fax: (206) 623-0179
Email: edward.denike@ssamarine.com

5. Terminal 5
2701 - 26th Avenue, S.W.
Seattle, WA 98106
6. Edward DeNike, General Manager
SSA Marine
1131 SW Klickitat Way
Seattle, WA 98134
Telephone: (206) 623-0304
Fax: (206) 623-0179
Email: edward.denike@ssamarine.com
- 10-11. International Association of Machinists and Aerospace Workers,
District Lodge 160, Local Lodge 289
9135 - 15th Place South
Seattle, WA 98108
Telephone: (206) 762-7990
Fax: (206) 764-0468
Email: (b) (6), (b) (7)(C)
Email: paul@iam160.com
12. David A. Rosenfeld, Attorney
Weinberg, Roger & Rosenfeld
1375 55th Street
Emeryville, CA 94608-2609
Telephone: (510) 337-1001
Fax: (510) 337-1023
Email: NLRBnotices@unioncounsel.net



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 36
Green-Wyatt Federal Building
1220 SW 3rd Avenue, Suite 605
Portland, OR 97204-2170

Agency Website: www.nlr.gov
Telephone: (503)326-3085
Fax: (503)326-5387



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September 23, 2022

International Association of Machinists and
Aerospace Workers, District Lodge 160,
Local Lodge 289
9135 15th Pl S
Seattle, WA 98108-5100

Re: ILWU and ILWU Local 19
(SSA Marine and Pacific Maritime
Association)
Case 19-CB-303960

Dear Sir or Madam:

The charge that you filed in this case on September 23, 2022 has been docketed as case number 19-CB-303960. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Jennifer Schulze whose telephone number is (503) 326-3171. If this Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206) 220-6289.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present

your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Controlled Unclassified Information (CUI): This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records

Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

RONALD K. HOOKS
Regional Director



By:

JESSICA DIETZ
Officer in Charge

cc: (b) (6), (b) (7)(C)
International Association of Machinists
and Aerospace Workers, District
Lodge 160
9135 - 15th Place South
Seattle, WA 98108

David A. Rosenfeld, Attorney
Weinberg, Roger & Rosenfeld
1375 55th St
Emeryville, CA 94608-2609

Paul Miller, Directing Business
Representative
International Association of Machinists
and Aerospace Workers, Local
Lodge 289
9135 - 15th Place South
Seattle, WA 98108



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 36
Green-Wyatt Federal Building
1220 SW 3rd Avenue, Suite 605
Portland, OR 97204-2170

Agency Website: www.nlrb.gov
Telephone: (503)326-3085
Fax: (503)326-5387



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September 23, 2022

International Longshore and Warehouse Union
1188 Franklin St - Ste 201
San Francisco, CA 94109-6852

International Longshore and Warehouse Union,
Local 19
3440 E Marginal Way S
Seattle, WA 98134-1132

Re: ILWU and ILWU Local 19
(SSA Marine and Pacific Maritime
Association)
Case 19-CB-303960

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Jennifer Schulze whose telephone number is (503) 326-3171. If this Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206) 220-6289.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of

the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

have access to the means for filing electronically or why filing electronically would impose an undue burden.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

RONALD K. HOOKS
Regional Director



By: JESSICA DIETZ
Officer in Charge

Enclosure: Copy of Charge

cc: Emily M. Maglio, Attorney
Leonard Carder LLP
1188 Franklin Street, Suite 201
San Francisco, CA 94109-6852

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**ILWU AND ILWU LOCAL 19 (SSA MARINE
AND PACIFIC MARITIME ASSOCIATION)**

Charged Party

and

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
DISTRICT LODGE 160, LOCAL LODGE 289**

Charging Party

Case 19-CB-303960

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 23, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Emily M. Maglio, Attorney
Leonard Carder LLP
1188 Franklin Street, Suite 201
San Francisco, CA 94109-6852

International Longshore and Warehouse
Union, Local 19
3440 E Marginal Way S
Seattle, WA 98134-1132

International Longshore and Warehouse
Union
1188 Franklin St
Ste 201
San Francisco, CA 94109-6852

September 23, 2022

Date

Dennis Snook, Designated Agent of NLRB

Name

Dennis Snook

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 36
Green-Wyatt Federal Building
1220 SW 3rd Avenue, Suite 605
Portland, OR 97204-2170

Agency Website: www.nlrb.gov
Telephone: (503)326-3085
Fax: (503)326-5387



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September 23, 2022

Jim McKenna, Chief Operating Officer
Pacific Maritime Association
555 Market St. Fl 3
San Francisco, CA 94105-5801

Edward DeNike, General Manager
SSA Marine
1131 SW Klickitat Way
Seattle, WA 98134-1108

Re: ILWU and ILWU Local 19
(SSA Marine and Pacific Maritime
Association)
Case 19-CB-303960

Dear Mr. McKenna, Mr. DeNike:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Jennifer Schulze whose telephone number is (503) 326-3171. If this Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206) 220-6289.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this

proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

RONALD K. HOOKS
Regional Director



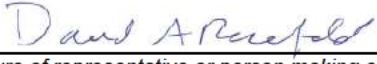
By:
JESSICA DIETZ
Officer in Charge

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

cc: Todd C. Amidon, Senior Counsel
Pacific Maritime Association
555 Market St. Fl 3
San Francisco, CA 94105-5801

SSA Marine
Terminal 5
2701 26th Ave SW
Seattle, WA 98106

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		19-CC-303962	9/23/2022
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Longshore & Warehouse Union ("ILWU") International Longshore & Warehouse Union, Local 19 ("Local 19")		b. Union Representative to Contact ILWU: William Adams, President Local 19: Richard Austin, President	
c. Address ILWU: 1188 Franklin Street, 4th Floor, San Francisco CA 94109 Local 19: 3440 E. Marginal Way S, Seattle, WA 98134		d. Tel. No. See Attachment A	e. Cell No. See Attachment A
		f. Fax No. See Attachment A	g. e-Mail See Attachment A
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (4)(B) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Within the last six months the above labor organization has attempted to force a neutral person though job action to apply pressure to the employer, SSA Terminals, with the object of assigning cold iron work to the ILWU members rather than members of the IAM. They have further attempted to assert the terms of an expired agreement including a subcontracting clause on employees in violation of the Act.			
3. Name of Employer See Attachment A		4a. Tel. No. See Attachment A	4b. Cell No. See Attachment A
		4c. Fax No. See Attachment A	4d. e-Mail See Attachment A
5. Location of Plant involved (street, city, state, and ZIP code) See Attachment A		6. Employer representative to contact See Attachment A	
7. Type of Establishment (factory, mine, wholesaler) Shipping Terminal	8. Principal product or service Shipping		9. Number of Workers employed 40+
10. Full name of party filing charge See Attachment A		11a. Tel. No. See Attachment A	11b. Cell No. See Attachment A
		11c. Fax No. See Attachment A	11d e-Mail See Attachment A
11. Address of party filing charge (street, city, state, and ZIP code) See Attachment A			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By:  (signature of representative or person making charge)		Tel. No. (510) 337-1001	
		Cell No.	
David A. Rosenfeld, attorney		Fax No. (510) 337-1023	
Print/type name and title or office, if any			
Address: Weinberg, Roger & Rosenfeld 1375 55th Street Emeryville, CA 94608-2609		Date: 09/23/2022	e-Mail nlrb@unioncounsel.net

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

ATTACHMENT A

1. International Longshore and Warehouse Union ("ILWU")
Telephone: (415) 775-0533
Fax: (415) 775-1302

Contact:

Emily M. Maglio, Attorney
Leonard Carder LLP
1188 Franklin Street, #201
San Francisco, CA 94109
Telephone: (415) 771-6400
Fax: (415) 771-7010
Email: emaglio@leonardcarder.com

1. International Longshore and Warehouse Union, Local 19 ("Local 19")
Telephone: (206) 623-7461
Fax: (206) 623 8136
Email: ilwulocal19@gmail.com

Contact:

Emily M. Maglio, Attorney
Leonard Carder LLP
1188 Franklin Street, #201
San Francisco, CA 94109
Telephone: (415) 771-6400
Fax: (415) 771-7010
Email: emaglio@leonardcarder.com

- 3-4. Pacific Maritime Association
555 Market Street, Third Floor
San Francisco, CA 94105-5801
Telephone: (415) 576-3200
Fax: (415) 348-8392

Contact:

Jim McKenna
Chief Operating Officer
Pacific Maritime Association
Email: jmckenna@pmanet.org

SSA Marine
1131 SW Klickitat Way
Seattle, WA 98134
Telephone: (206) 623-0304
Fax: (206) 623-0179
Email: edward.denike@ssamarine.com

5. Terminal 5
2701 - 26th Avenue, S.W.
Seattle, WA 98106
6. Edward DeNike, General Manager
SSA Marine
1131 SW Klickitat Way
Seattle, WA 98134
Telephone: (206) 623-0304
Fax: (206) 623-0179
Email: edward.denike@ssamarine.com
- 10-11. International Association of Machinists and
Aerospace Workers, District Lodge 160, Local Lodge 289
9135 - 15th Place South
Seattle, WA 98108
Telephone: (206) 762-7990
Fax: (206) 764-0468
Email: (b) (6), (b) (7)(C)
Email: paul@iam160.com
12. David A. Rosenfeld, Attorney
Weinberg, Roger & Rosenfeld
1375 55th Street
Emeryville, CA 94608-2609
Telephone: (510) 337-1001
Fax: (510) 337-1023
Email: NLRBnotices@unioncounsel.net

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**ILWU AND ILWU LOCAL 19 (SSA MARINE AND
PACIFIC MARITIME ASSOCIATION)**

and

Case 19-CC-303962

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
DISTRICT LODGE 160, LOCAL LODGE 289**

and

**PACIFIC MARITIME ASSOCIATION AND SSA
MARINE**

NOTICE OF CHARGE FILED

PLEASE TAKE NOTICE that the attached charge has been filed alleging that International Longshore and Warehouse Union has violated Section 8(b)(4)(B) of the National Labor Relations Act. The charge will be investigated by the Regional Office of Region 19. If after preliminary investigation, the Regional Director has reasonable cause to believe that complaint alleging a violation of Section 8(b)(4)(A), (B), or (C) should issue, the Region may seek injunctive relief as provided for in Section 10(l) of the Act.

Dated: September 23, 2022



RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



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September 23, 2022

International Longshore and Warehouse Union
1188 Franklin St - Ste 201
San Francisco, CA 94109-6852

International Longshore and Warehouse Union,
Local 19
3440 E Marginal Way S
Seattle, WA 98134-1132

Re: ILWU and ILWU Local 19
(SSA Marine and Pacific Maritime
Association)
Case 19-CC-303962

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Jennifer Schulze whose telephone number is (503) 326-3171. If the Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206) 220-6289.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of

the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(l) of the Act may be appropriate. In accordance with Section 10(l) of the Act and Section 10200.1 of the Casehandling Manual, the investigation of this charge is given the highest priority and all parties are expected to present their evidence within 72 hours from the date of filing the charge. Please be advised that if the Region determines that there is reasonable cause to believe that the allegations of the charge are true and that a complaint should issue, the Region shall file on behalf of the Board a complaint in federal district court seeking injunctive relief or temporary restraining order pending adjudication of the alleged unfair labor practice by the Board. Accordingly, you are requested to provide your evidence and any position statement addressing both the allegations of the charge and the appropriateness of injunctive relief by (fill in date COB three days after service of charge.) If you do not submit your evidence and any position statement by (same date as before), the Region may make a determination on the merits and whether injunctive relief is appropriate without the benefit of your evidence and position. Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Correspondence: All documents submitted to the Region regarding your case **MUST** be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Controlled Unclassified Information (CUI): This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RONALD K. HOOKS
Regional Director

Enclosures

1. Copy of Charge
2. Notice of Charge Filed
cc: Emily M. Maglio, Attorney
Leonard Carder LLP
1188 Franklin Street, Suite 201
San Francisco, CA 94109-6852

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 36**

**ILWU AND ILWU LOCAL 19 (SSA MARINE AND
PACIFIC MARITIME ASSOCIATION)**

and

Case 19-CC-303962

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
DISTRICT LODGE 160, LOCAL LODGE 289**

and

**PACIFIC MARITIME ASSOCIATION AND SSA
MARINE**

AFFIDAVIT OF SERVICE OF CHARGE AND NOTICE OF CHARGE FILED

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 23, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Emily M. Maglio, Attorney
Leonard Carder LLP
1188 Franklin Street, Suite 201
San Francisco, CA 94109-6852

International Longshore and Warehouse
Union, Local 19
3440 E Marginal Way S
Seattle, WA 98134-1132

International Longshore and Warehouse
Union
1188 Franklin St - Ste 201
San Francisco, CA 94109-6852

September 23, 2022

Date

Dennis Snook, Designated Agent of NLRB

Name

Dennis Snook

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**ILWU AND ILWU LOCAL 19 (SSA MARINE AND
PACIFIC MARITIME ASSOCIATION)**

and

Case 19-CC-303962

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
DISTRICT LODGE 160, LOCAL LODGE 289**

and

**PACIFIC MARITIME ASSOCIATION AND SSA
MARINE**

NOTICE OF CHARGE FILED

PLEASE TAKE NOTICE that the attached charge has been filed alleging that International Longshore and Warehouse Union has violated Section 8(b)(4)(B) of the National Labor Relations Act. The charge will be investigated by the Regional Office of Region 19. If after preliminary investigation, the Regional Director has reasonable cause to believe that complaint alleging a violation of Section 8(b)(4)(A), (B), or (C) should issue, the Region may seek injunctive relief as provided for in Section 10(l) of the Act.

Dated: September 23, 2022



RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
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September 23, 2022

International Association of Machinists and
Aerospace Workers, District Lodge 160,
Local Lodge 289
9135 15th Pl S
Seattle, WA 98108-5100

Re: ILWU and ILWU Local 19
(SSA Marine and Pacific Maritime
Association)
Case 19-CC-303962

Dear Sir or Madam:

The charge that you filed in this case on September 23, 2022 has been docketed as case number 19-CC-303962. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Jennifer Schulze whose telephone number is (503) 326-3171. If the Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206) 220-6289.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. We seek to resolve labor disputes promptly and, in cases such as the one you filed alleging a

violation of Section 8(b)(4)(D) of the Act, **we expect you to provide your affidavit(s) and other evidence within 24 hours of filing the charge.** If you have not yet scheduled a date and time for the Board agent to take your affidavit, please immediately contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(l) of the Act may be appropriate.** In accordance with Section 10(l) of the Act and Section 10200.1 of the Casehandling Manual, the investigation of this charge is given the highest priority and as the Charging Party, you are expected to present your evidence and any position statement within 24 hours from the date of filing the charge. Please be advised that if the Region determines there is reasonable cause to believe that the allegations of the charge are true and that a complaint should issue, the Region shall file on behalf of the Board a complaint in federal district court seeking injunctive relief or temporary restraining order pending adjudication of the alleged unfair labor practice by the Board. If you do not submit your evidence and any position statement by COB on (one day after filing), your charge may be dismissed for lack of cooperation in the investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case **MUST** be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RONALD K. HOOKS
Regional Director

Enclosures

1. Copy of Charge
2. Notice of Charge Filed

cc: David A. Rosenfeld, Attorney
Weinberg, Roger & Rosenfeld
1375 55th St
Emeryville, CA 94608-2609

(b) (6), (b) (7)(C)
Paul Miller, Business Rep.
International Association of Machinists
and Aerospace Workers, District
Lodge 160
9135 - 15th Place South
Seattle, WA 98108

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**ILWU AND ILWU LOCAL 19 (SSA MARINE AND
PACIFIC MARITIME ASSOCIATION)**

and

Case 19-CC-303962

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
DISTRICT LODGE 160, LOCAL LODGE 289**

and

**PACIFIC MARITIME ASSOCIATION AND SSA
MARINE**

NOTICE OF CHARGE FILED

PLEASE TAKE NOTICE that the attached charge has been filed alleging that International Longshore and Warehouse Union has violated Section 8(b)(4)(B) of the National Labor Relations Act. The charge will be investigated by the Regional Office of Region 36. If after preliminary investigation, the Regional Director has reasonable cause to believe that complaint alleging a violation of Section 8(b)(4)(A), (B), or (C) should issue, the Region may seek injunctive relief as provided for in Section 10(l) of the Act.

Dated: September 23, 2022



RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



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September 23, 2022

Jim McKenna, Chief Operating Officer
Pacific Maritime Association
555 Market St. Fl 3
San Francisco, CA 94105-5801

Edward DeNike, General Manager
SSA Marine
1131 SW Klickitat Way
Seattle, WA 98134-1108

Re: ILWU and ILWU Local 19
(SSA Marine and Pacific Maritime
Association)
Case 19-CC-303962

Dear Mr. McKenna, Mr. DeNike:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Jennifer Schulze whose telephone number is (503) 326-3171. If the Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206) 220-6289.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored

relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. In cases such as this one, we try to complete our investigation within 72 hours of filing the charge. Therefore, I urge you or your representative to immediately submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(l) of the Act may be appropriate. In accordance with Section 10(l) of the Act and Section 10200.1 of the Casehandling Manual, the investigation of this charge is given the highest priority and all parties are expected to present their evidence within 72 hours from the date of filing the charge. Please be advised that if the Region determines that there is reasonable cause to believe that the allegations of the charge are true and that a complaint should issue, the Region shall file on behalf of the Board a complaint in federal district court seeking injunctive relief or temporary restraining order pending adjudication of the alleged unfair labor practice by the Board. Accordingly, you are requested to provide your evidence and any position statement addressing both the allegations of the charge and the appropriateness of injunctive relief by (fill in date COB three days after service of charge.) If you do not submit your evidence and any position statement by (same date as before), the Region may make a determination on the merits and whether injunctive relief is appropriate without the benefit of your evidence and position.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI

(e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

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* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,


A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Enclosures

1. Copy of Charge
2. Notice of Charge Filed
3. Commerce Questionnaire

cc: Todd C. Amidon, Senior Counsel
Pacific Maritime Association
555 Market St. Fl 3
San Francisco, CA 94105-5801

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		19-CD-303964	9/23/2022
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Longshore & Warehouse Union ("ILWU") International Longshore & Warehouse Union, Local 19 ("Local 19")		b. Union Representative to Contact ILWU: William Adams, President Local 19: Richard Austin, President	
c. Address ILWU: 1188 Franklin Street, 4th Floor, San Francisco CA 94109 Local 19: 3440 E. Marginal Way S, Seattle, WA 98134		d. Tel. No. See Attachment A	e. Cell No. See Attachment A
		f. Fax No. See Attachment A	g. e-Mail See Attachment A
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (4)(D) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Within in the last six months the above-named labor organizations have unlawfully coerced SSA Terminals at Terminal 5 in Seattle, Washington with the object to force SSA Terminals to assign cold ironing work to members of the ILWU instead of members of the IAM who represent the workforce at Terminal 5. The above named labor organizations are coercing SSA Terminals to ignore and repudiate the Board's determination in <i>ILWU Local 4</i> , 371 NLRB No. 126 (2021).			
3. Name of Employer See Attachment A		4a. Tel. No. See Attachment A	4b. Cell No. See Attachment A
		4c. Fax No. See Attachment A	4d. e-Mail See Attachment A
5. Location of Plant involved (street, city, state, and ZIP code) See Attachment A		6. Employer representative to contact See Attachment A	
7. Type of Establishment (factory, mine, wholesaler) Shipping Terminal	8. Principal product or service Shipping		9. Number of Workers employed 40+
10. Full name of party filing charge See Attachment A		11a. Tel. No. See Attachment A	11b. Cell No. See Attachment A
		11c. Fax No. See Attachment A	11d e-Mail See Attachment A
11. Address of party filing charge (street, city, state, and ZIP code) See Attachment A			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By:  (signature of representative or person making charge)		David A. Rosenfeld, Attorney Print/type name and title or office, if any	Tel. No. (510) 337-1001 Cell No.
			Fax No. (510) 337-1023
Address: Weinberg, Roger & Rosenfeld 1375 55th Street Emeryville, CA 94608-2609		Date: 09/23/2022	e-Mail nlrb@unioncounsel.net

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

ATTACHMENT A

1. International Longshore and Warehouse Union ("ILWU")
Telephone: (415) 775-0533
Fax: (415) 775-1302

Contact:

Emily M. Maglio, Attorney
Leonard Carder LLP
1188 Franklin Street, #201
San Francisco, CA 94109
Telephone: (415) 771-6400
Fax: (415) 771-7010
Email: emaglio@leonardcarder.com

1. International Longshore and Warehouse Union, Local 19 ("Local 19")
Telephone: (206) 623-7461
Fax: (206) 623 8136
Email: ilwulocal19@gmail.com

Contact:

Emily M. Maglio, Attorney
Leonard Carder LLP
1188 Franklin Street, #201
San Francisco, CA 94109
Telephone: (415) 771-6400
Fax: (415) 771-7010
Email: emaglio@leonardcarder.com

- 3-4. Pacific Maritime Association
555 Market Street, Third Floor
San Francisco, CA 94105-5801
Telephone: (415) 576-3200
Fax: (415) 348-8392

Contact:

Jim McKenna
Chief Operating Officer
Pacific Maritime Association
Email: jmckenna@pmanet.org

SSA Marine
1131 SW Klickitat Way
Seattle, WA 98134
Telephone: (206) 623-0304
Fax: (206) 623-0179
Email: edward.denike@ssamarine.com

5. Terminal 5
2701 - 26th Avenue, S.W.
Seattle, WA 98106
6. Edward DeNike, General Manager
SSA Marine
1131 SW Klickitat Way
Seattle, WA 98134
Telephone: (206) 623-0304
Fax: (206) 623-0179
Email: edward.denike@ssamarine.com
- 10-11. International Association of Machinists and Aerospace Workers
District Lodge 160, Local Lodge 289
9135 - 15th Place South
Seattle, WA 98108
Telephone: (206) 762-7990
Fax: (206) 764-0468
Email: (b) (6), (b) (7)(C) Email:
paul@iam160.com
12. David A. Rosenfeld, Attorney
Weinberg, Roger & Rosenfeld
1375 55th Street
Emeryville, CA 94608-2609
Telephone: (510) 337-1001
Fax: (510) 337-1023
Email: NLRBnotices@unioncounsel.net

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**ILWU AND ILWU LOCAL 19 (SSA MARINE AND
PACIFIC MARITIME ASSOCIATION)**

and

Case 19-CD-303964

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
DISTRICT LODGE 160, LOCAL LODGE 289**

and

**PACIFIC MARITIME ASSOCIATION AND SSA
MARINE**

NOTICE OF CHARGE FILED

PLEASE TAKE NOTICE that the attached charge has been filed alleging that International Longshore and Warehouse Union has violated Section 8(b)(4)(D) of the National Labor Relations Act. The charge will be investigated by the Regional Office of Region 19. If after preliminary investigation, the Regional Director has reasonable cause to believe that complaint alleging a violation of Section 8(b)(4)(A), (B), or (C) should issue, the Region may seek injunctive relief as provided for in Section 10(l) of the Act.

Dated: September 23, 2022

Ronald K. Hooks

RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



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September 23, 2022

International Longshore and Warehouse Union
1188 Franklin St Ste 201
San Francisco, CA 94109-6852

ILWU Local 19
3440 E Marginal Way S
Seattle, WA 98134-1132

Re: ILWU and ILWU Local 19 (SSA Marine and
Pacific Maritime Association)
Case 19-CD-303964

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Jennifer Schulze whose telephone number is (503)326-3171. If the Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206)220-6289.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(l) of the Act may be appropriate. In accordance with Section 10(l) of the Act and Section 10200.1 of the Casehandling Manual, the investigation of this charge is given the highest priority and all parties are expected to present their evidence within 72 hours from the date of filing the charge. Please be advised that if the Region determines that there is reasonable cause to believe that the allegations of the charge are true and that a complaint should issue, the Region shall file on behalf of the Board a complaint in federal district court seeking injunctive relief or temporary restraining order pending adjudication of the alleged unfair labor practice by the Board. Accordingly, you are requested to provide your evidence and any position statement addressing both the allegations of the charge and the appropriateness of injunctive relief by (fill in date COB three days after service of charge.) If you do not submit your evidence and any position statement by (same date as before), the Region may make a determination on the merits and whether injunctive relief is appropriate without the benefit of your evidence and position. Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Controlled Unclassified Information (CUI): This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RONALD K. HOOKS
Regional Director

Enclosures

1. Copy of Charge
2. Notice of Charge Filed

cc: Emily M. Maglio, Attorney
Leonard Carder LLP
1188 Franklin Street, Suite 201
San Francisco, CA 94109-6852

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**ILWU AND ILWU LOCAL 19 (SSA MARINE AND
PACIFIC MARITIME ASSOCIATION)**

and

Case 19-CD-303964

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
DISTRICT LODGE 160, LOCAL LODGE 289**

and

**PACIFIC MARITIME ASSOCIATION AND SSA
MARINE**

AFFIDAVIT OF SERVICE OF CHARGE AND NOTICE OF CHARGE FILED

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 23, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Emily M. Maglio, Attorney
Leonard Carder LLP
1188 Franklin Street, Suite 201
San Francisco, CA 94109-6852

Jim McKenna, Chief Operating Officer
Pacific Maritime Association
555 Market St. Fl 3
San Francisco, CA 94105-5801

International Longshore and Warehouse
Union
1188 Franklin St Ste 201
San Francisco, CA 94109-6852

Todd C. Amidon, Senior Counsel
Pacific Maritime Association
555 Market St. Fl 3
San Francisco, CA 94105-5801

International Longshore and Warehouse
Union, Local 19
3440 E Marginal Way S
Seattle, WA 98134-1132

Edward DeNike, General Manager
SSA Marine
1131 SW Klickitat Way
Seattle, WA 98134-1108

SSA Marine
Terminal 5
2701 26th Ave SW
Seattle, WA 98106

David A. Rosenfeld, Attorney
Weinberg, Roger & Rosenfeld
1375 55th St
Emeryville, CA 94608-2609

(b) (6), (b) (7)(C)
International Association of Machinists and
Aerospace Workers, District Lodge 160
9135 - 15th Place South
Seattle, WA 98108

Paul Miller, Directing Business
Representative
International Association of Machinists and
Aerospace Workers, Local Lodge 289
9135 - 15th Place South
Seattle, WA 98108

International Association of Machinists and
Aerospace Workers, District Lodge 160,
Local Lodge 289
9135 15th Pl S
SEATTLE, WA 98108-5100

September 23, 2022

Date

Dennis Snook, Designated Agent of NLRB

Name

/s/ Annie La

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**ILWU AND ILWU LOCAL 19 (SSA MARINE AND
PACIFIC MARITIME ASSOCIATION)**

and

Case 19-CD-303964

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
DISTRICT LODGE 160, LOCAL LODGE 289**

and

**PACIFIC MARITIME ASSOCIATION AND SSA
MARINE**

NOTICE OF CHARGE FILED

PLEASE TAKE NOTICE that the attached charge has been filed alleging that International Longshore and Warehouse Union has violated Section 8(b)(4)(D) of the National Labor Relations Act. The charge will be investigated by the Regional Office of Region 19. If after preliminary investigation, the Regional Director has reasonable cause to believe that complaint alleging a violation of Section 8(b)(4)(A), (B), or (C) should issue, the Region may seek injunctive relief as provided for in Section 10(l) of the Act.

Dated: September 23, 2022

Ronald K. Hooks

RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



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September 23, 2022

International Association of
Machinists and Aerospace Workers
District Lodge 160, Local Lodge 289
9135 15th Pl S
Seattle, WA 98108-5100

Re: ILWU and ILWU Local 19 (SSA Marine and
Pacific Maritime Association)
Case 19-CD-303964

Dear Sir or Madam:

The charge that you filed in this case on September 23, 2022 has been docketed as case number 19-CD-303964. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Jennifer Schulze whose telephone number is (503)326-3171. If the Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206)220-6289.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. We seek to resolve labor disputes promptly and, in cases such as the one you filed alleging a violation of Section 8(b)(4)(D) of the Act, **we expect you to provide your affidavit(s) and other evidence within 24 hours of filing the charge.** If you have not yet scheduled a date and time for the Board agent to take your affidavit, please immediately contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation. **Due to the**

nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(l) of the Act may be appropriate. In accordance with Section 10(l) of the Act and Section 10200.1 of the Casehandling Manual, the investigation of this charge is given the highest priority and as the Charging Party, you are expected to present your evidence and any position statement within 24 hours from the date of filing the charge. Please be advised that if the Region determines there is reasonable cause to believe that the allegations of the charge are true and that a complaint should issue, the Region shall file on behalf of the Board a complaint in federal district court seeking injunctive relief or temporary restraining order pending adjudication of the alleged unfair labor practice by the Board. If you do not submit your evidence and any position statement by COB on (one day after filing), your charge may be dismissed for lack of cooperation in the investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

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at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RONALD K. HOOKS
Regional Director

Enclosures

1. Copy of Charge
2. Notice of Charge Filed

cc: David A. Rosenfeld, Attorney
Weinberg, Roger & Rosenfeld
1375 55th St
Emeryville, CA 94608-2609

(b) (6), (b) (7)(C)
International Association of Machinists and
Aerospace Workers, District Lodge 160
9135 - 15th Place South
Seattle, WA 98108

Paul Miller, Directing Business
Representative
International Association of Machinists and
Aerospace Workers, Local Lodge 289
9135 - 15th Place South
Seattle, WA 98108

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**ILWU AND ILWU LOCAL 19 (SSA MARINE AND
PACIFIC MARITIME ASSOCIATION)**

and

Case 19-CD-303964

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
DISTRICT LODGE 160, LOCAL LODGE 289**

and

**PACIFIC MARITIME ASSOCIATION AND SSA
MARINE**

NOTICE OF CHARGE FILED

PLEASE TAKE NOTICE that the attached charge has been filed alleging that International Longshore and Warehouse Union has violated Section 8(b)(4)(D) of the National Labor Relations Act. The charge will be investigated by the Regional Office of Region 36. If after preliminary investigation, the Regional Director has reasonable cause to believe that complaint alleging a violation of Section 8(b)(4)(A), (B), or (C) should issue, the Region may seek injunctive relief as provided for in Section 10(l) of the Act.

Dated: September 23, 2022

Ronald K. Hooks

RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



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September 23, 2022

Jim McKenna, Chief Operating Officer
Pacific Maritime Association
555 Market St. Fl 3
San Francisco, CA 94105-5801

Edward DeNike, General Manager
SSA Marine
1131 SW Klickitat Way
Seattle, WA 98134-1108

Re: ILWU and ILWU Local 19 (SSA Marine
and Pacific Maritime Association)
Case 19-CD-303964

Dear Mr. McKenna, Mr. DeNike:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Jennifer Schulze whose telephone number is (503)326-3171. If the Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206)220-6289.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this

proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. In cases such as this one, we try to complete our investigation within 72 hours of filing the charge. Therefore, I urge you or your representative to immediately submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(l) of the Act may be appropriate. In accordance with Section 10(l) of the Act and Section 10200.1 of the Casehandling Manual, the investigation of this charge is given the highest priority and all parties are expected to present their evidence within 72 hours from the date of filing the charge. Please be advised that if the Region determines that there is reasonable cause to believe that the allegations of the charge are true and that a complaint should issue, the Region shall file on behalf of the Board a complaint in federal district court seeking injunctive relief or temporary restraining order pending adjudication of the alleged unfair labor practice by the Board. Accordingly, you are requested to provide your evidence and any position statement addressing both the allegations of the charge and the appropriateness of injunctive relief by (fill in date COB three days after service of charge.) If you do not submit your evidence and any position statement by (same date as before), the Region may make a determination on the merits and whether injunctive relief is appropriate without the benefit of your evidence and position.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

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* * *

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We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Enclosures

1. Copy of Charge
2. Notice of Charge Filed
3. Commerce Questionnaire

cc: Todd C. Amidon, Senior Counsel
Pacific Maritime Association
555 Market St. Fl 3
San Francisco, CA 94105-5801